



## *South Dakota Secretary of State* SHANTEL KREBS

### **Circulating a Municipal Candidate Nominating Petition in 2016**

**WARNING: State law requires that each petition sheet be self-contained. This means that the petition heading, instructions to signers, signature lines and circulator's verification must all be printed on each sheet prior to circulation. The sheet may be printed on front and back. You CANNOT tape, staple or glue the front and back sides together. You CANNOT include sheets with signature lines only. If you have any questions about how to correctly prepare a petition sheet, please call the person in charge of that election.**

The **declaration of candidacy** at the top of the petition form must be completed prior to circulation for signatures ([SDCL 9-13-7](#)). The declaration cannot be signed prior to the first date of circulation. The name will appear on the ballot in the exact form indicated in the declaration of candidacy ([SDCL 12-16-1](#)).

- For an April 12, 2016 election, petitions may not be circulated before January 29, 2016. Petitions may be filed no later than February 26, 2016 at 5:00 p.m.
- For a June 7, 2016 election, petitions may not be circulated or filed before March 1, 2016 and may be filed no later than March 29, 2016 at 5:00 p.m.
- If the municipal election is combined with the school election on June 21, 2016, petition circulation begins on April 12, 2016 and the filing deadline is May 13, 2016.
- Petitions which are mailed by REGISTERED MAIL prior to 5:00 p.m. on the last day to file will be considered timely filed. Certified mail received after the deadline will NOT be considered timely filed.

Signatures of registered voters must be obtained between the date of the candidate's signed declaration of candidacy and the date of the circulator's verification. A candidate may not notarize their own petition, but they can circulate and sign the petition ([SDCL 12-6-8](#)).

#### **Circulator Requirements**

- Must be at least eighteen years of age and a resident of the state of South Dakota.
- Must personally witness each signature on the petition being circulated. The petition's verification must be completed following circulation and must include the circulator's printed name, residence address, city, state, complete date and be signed under oath before a South Dakota notary public or other officer authorized to administer oaths.
- Cannot be employed, rewarded or compensated based on the number of registered voters who signed the petitions.
- Can be employed at an hourly wage or salary.
- Must make a reasonable inquiry of each signer to determine that each signer is a qualified voter of the state and county indicated on the signature line.
- The date, address, county of registration, and printed name may be added by the circulator prior to the petition being filed. Ditto marks may not be used.
- Must state under oath that no statute regarding petition circulation was knowingly violated.
- Cannot be a registered sex offender if the petition is circulated in any place frequented by the public or door-to-door on private property. (Exceptions include: if the registered sex offender is in the employ of, and under immediate supervision of, another person and where the circumstances preclude any contact with children; and a registered sex offender may circulate a nominating petition on his/her own behalf for election to any federal, state, or local office).

## Signer Requirements

- Must be a registered voter, active or inactive, in the state of South Dakota in the jurisdiction for which the petition is circulated.
- Must include the signer's legibly printed name.
- Signers must sign their names as they are registered to vote or as they usually sign their names.
- Signature line must show the month and day it was signed.
- May use numbers to designate the month and day.
- Abbreviations commonly used are acceptable.
- Must include the county of the signer's voter registration.
- Each signature line must show a complete residence address. This can be street and house number or rural route and box number in addition to the city or town. Zip codes are optional.
- A signer in a first class municipality may not use a PO Box. The signer, if a resident of a second or third class municipality, may use a post office box number in lieu of a street address. Second and third class municipalities are those with less than 5,000 population. They would include all municipalities except the following which are first class municipalities: Aberdeen, Belle Fourche, Box Elder, Brandon, Brookings, Huron, Madison, Mitchell, Pierre, Rapid City, Sioux Falls, Spearfish, Sturgis, Vermillion, Watertown and Yankton.
- If the signer does not have a residence address or post office box number, a description of their residence location must be provided.
- A voter may sign as many petitions for a particular office as there are positions to be filled.
  - Exception for 3<sup>rd</sup> Class Municipalities: SDCL 9-13-9 says a petition signer is not restricted in the number of petitions they may sign.

**It is prudent to submit any petition to the filing authority with ample time prior to the deadline to allow you to collect additional signatures if there are not sufficient valid signatures presented on your initial petition.**

Petitions are filed with the municipal finance office.

For additional information or petition forms, contact your municipal finance officer. You can also contact the SD Secretary of State's office by calling 605-773-3537, by e-mail at [elections@state.sd.us](mailto:elections@state.sd.us) or by visiting our website at <http://sdsos.gov> and selecting Elections & Voting then Petitions.